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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/573,974

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Achim Luft

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EXAMINER

NGUYEN, PHUNG HOANG JOSEPH

ART UNIT

PAPER NUMBER

2614

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/573,974	<b>Applicant(s)</b> LUFT ET AL.	
	<b>Examiner</b> PHUNG-HOANG J. NGUYEN	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/04/08 and 03/30/06</u> .                                   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 24 recites “a method in accordance with one of claims 12 to 21”.

Therefore, it is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For the purpose of continuous examination, examiner interprets as it depends on the independent claim 1.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 12-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Shibao (EP 1 289 241 A1).**

As to claims 12 and 22, Shibao teaches a method for setting up a communication link from a first telecommunication device (Fig. 1, *calling-end terminal station 3*) over a telecommunication network (Fig. 1, *communications network 7*) to a second telecommunication device (Fig. 1, *called-end terminal station 5*) comprising:

storing in the telecommunication network (Fig. 1, *col. 4, lines 26-27; col. 7, line 45; col. 8, lines 6*) multimedia objects assigned to a first telecommunication subscriber

*(i.e., animation or other types of moving pictures adds to the traffic, col. 4, lines 15-18), each multimedia object having a corresponding reference number (i.e., When the animation as calling party information C11 and C21 (of figs. 1 and 4) is stored, the calling party information DB91 stores frames in bitmap format, col. 13, lines 8-16; Or when the animation is stored, may be stored using geometric patterns, Col. 13, lines 17-35. This indicates that there is a reference number attached to frame or bitmap).*

defining an assignment mapping using at least one data set which specifies assignment of a specific call recipient to a specific reference number of a specific multimedia object *(i.e., calling party information server 9 having calling party information DB91 with the assignment mapping list, fig. 1);*

sending a connection setup request *(i.e., a call-up, col. 1, line 11 and also steps 1 and 2 of fig. 4)* from the telecommunication device assigned to the first telecommunication subscriber to the telecommunication network which specifies that a communication link from the first telecommunication device (Fig. 1, *calling-end terminal station 3*) to a second telecommunication device (Fig. 1, *called-end terminal station 5*) assigned to a second telecommunication subscriber is to be set up (Fig. 1, *instruction for connection preparation 71*);

determining the corresponding reference number specified for the second telecommunication subscriber based on the assignment mapping *(Fig. 1, 92, 93, and 94; [0064]);*

transmitting, from the telecommunication network to the second telecommunication device, an identified multimedia object assigned to the corresponding reference number (Fig. 1, *calling party information 94*);

playing back the identified multimedia object on the second telecommunication device (Fig. 2, *step S14*).

As to claim 13, Shibao teaches the determining the corresponding reference number specified for the second telecommunication subscriber based on the assignment mapping (*i.e., calling party information server 9 having DB91 with the assignment mapping list*) is performed by the first telecommunication device further comprises: storing the assignment mapping in the first telecommunication device (Fig. 11, *calling end terminal station 3c*), and after the determining of the corresponding reference number for the second telecommunication subscriber, transmitting the corresponding reference number from the first telecommunication device to the telecommunication network prior to transmitting of the identified multimedia object to the second telecommunication device (Fig. 11, *calling party information selector unit 36; calling party information summary DB 38*).

As to claim 14, Shibao teaches the determining of the corresponding reference number ([0068], *calling information C11 and C21*) is performed by the telecommunication network (Fig. 1, *communications network 7*).

As to claim 15, Shibao teaches indicating a predetermined reference number of a predetermined multimedia object if no data record is present in the assignment mapping for the second telecommunication subscriber ([0018] - [0020]).

As to claims 16-17, Shibao teaches the steps of storing and transmitting identified multimedia object from the network to the second device only if the corresponding reference number of the multimedia object and comparing with the corresponding reference number of the first subscriber multimedia object stored on the second device to determine if the identified multimedia is present on the second device and returning a message from the second device to the network ([0018] - [0020]; [0106] - [0112]).

As to claim 18, Shibao teaches the multimedia objects assigned to the first telecommunication subscriber have associated with a storage authorization specification indicating whether the multimedia objects assigned to the first telecommunication subscriber may be stored on the second telecommunication device after transmitting ([0068] - where Shibao discussed calling party information server 9 stores multimedia objects C11, and the called-end terminal station 5 alerts about calling party information matches the calling-end terminal. Note that Applicant recites the language of may be (or may be not) stored on the second telecommunication device after transmitting, hence Shibao does not mention whether the multimedia objects is stored on the second telecommunication device or not, it still reads on claim).

As to claim 19, Shibao teaches the multimedia objects include at least one of a picture and tone information (*col. 4, lines 15-18; col. 19, lines 28-35; [0056]*).

As to claim 20, Shibao teaches at least one of the first and second devices is one of a mobile radio device, a mobile telephone, a computer with radio module and a landline telephone (*par. 0045*).

As to claim 21, Shibao teaches the network is at least one of a public fixed line telephone network (*col. 10, lines 31-33 and 55*) and a mobile radio network which operating according to at least one of the Global System for mobile communication (*col. 11, line 11*) and UMTS.

***Cited Related Prior Art***

The prior art made of record and not relied upon is considered pertinent applicant's disclosure:

Nolan et al. (US Pat 6, 640,278)

Mauger et al (US Pat 6, 937,612)

**INQUIRY**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUNG-HOANG J. NGUYEN whose telephone number is (571)270-1949. The examiner can normally be reached on Monday to Thursday, 8:30AM - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571 272 7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Date: June 2, 2008

/Phung-Hoang J Nguyen/  
Examiner, Art Unit 2614

/Fan Tsang/  
Supervisory Patent Examiner, Art Unit 2614